

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

JESSE JAMES LAMERE, JR.,)	CV-06-63-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
MIKE MAHONEY, Warden,)	U.S. MAGISTRATE JUDGE
BILL SLAUGHTER,)	
)	
Defendants.)	
)	

On September 25, 2006, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends that Lamere's Complaint (*Doc. 1*) be dismissed with prejudice and that the docket reflect that his filing of this action counts as one strike for failure to state a claim, pursuant to 28 U.S.C. § 1915(g). Magistrate Judge Anderson also recommends this Court certify that any appeal from the dismissal of this action would not be taken in good faith, pursuant to Fed. R. App. P. 24(a)(3).

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In prisoner cases, this Court extends the time to object to twenty days in order to take into account the Supreme Court's ruling in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988), and the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.

In this matter, no party filed objections to the September 25, 2006 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review *de novo* the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint (*Doc. 1*) is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the docket in this case shall reflect that Plaintiff's filing of this action counts as one strike for failure to state a claim, pursuant to 28 U.S.C. § 1915(g) and that any appeal from the dismissal of this action will not be taken in good faith, pursuant to Fed. R. App. P. 24(a)(3).

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 17th day of October, 2006.

/s/ Richard F. Cebull
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE